



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 53080  
Tsutomu OHZUKU, et al. : Confirmation Number: 3395  
Application No.: 10/506,298 : Group Art Unit: 1795  
Filed: September 01, 2004 : Allowed: January 09, 2009  
Examiner: ECHELMEYER, Alix E.

For: ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF,  
AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY

**THIRD REQUEST FOR  
COMPLETE ACKNOWLEDGEMENT OF THE CITED ART**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Office-Communication dated March 11, 2009.

In reviewing the file, it is noted that:

1. We still have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed February 6, 2009. Specifically, **DONG, Dianquan et al., "Synthesis of  $\text{LiCu}_{0.5}\text{Mn}_{1.5}\text{O}_4$  and its  $\text{Li}^+$  extraction/insertion reaction in aqueous solution," Database CA [online] Chemical Abstracts Service; XP-002502577** listed under "**Other Art**" is not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and Electronic Acknowledgment Receipt, indicating that this reference was received by the USPTO. An abstract of this reference is provided, thus a concise explanation of the relevance is provided. Also enclosed please find a copy of the partially initialed PTO-1449 received

No.: 10/506,298

with the Communication dated March 11, 2009. **A copy of the reference is enclosed for the Examiner's convenience.**

2. We still have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed July 16, 2007. Specifically, **ROSSEN, E., et al., "Structure and Electrochemsitry of  $\text{Li}_x\text{Mn}_y\text{Ni}_{1-y}\text{O}_2$ ", SOLID STATE IONICS, 1992, page 311-318, Vol. 57, Elsevier Science Publishers B.V. (on page 8 of the PTO-1449)** listed under "**Other Art**" is not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard acknowledgement, indicating that this reference was received by the USPTO. Also enclosed please find a copy of the partially initialed PTO-1449 received with the Communication dated March 11, 2009. **A copy of the reference is enclosed for the Examiner's convenience.**

Applicant hereby respectfully requests that:

- (1) the **completely** acknowledged PTO-1449s be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,  
McDERMOTT WILL & EMERY LLP

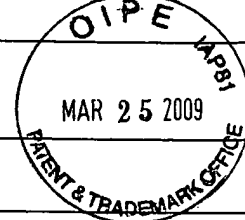


Bernard P. Codd  
Registration No. 46,429

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 BPC:kh  
Facsimile: 202.756.8087  
**Date: March 25, 2009**

**Please recognize our Customer No. 53080  
as our correspondence address.**

# Electronic Acknowledgement Receipt



<b>EFS ID:</b>	4751307
<b>Application Number:</b>	10506298
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	3395
<b>Title of Invention:</b>	ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF, AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY
<b>First Named Inventor/Applicant Name:</b>	Tsutomu Ohzuku
<b>Customer Number:</b>	20277
<b>Filer:</b>	Bernard P. Codd/Margaret Barham
<b>Filer Authorized By:</b>	Bernard P. Codd
<b>Attorney Docket Number:</b>	43888-325
<b>Receipt Date:</b>	06-FEB-2009
<b>Filing Date:</b>	01-SEP-2004
<b>Time Stamp:</b>	16:34:03
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

## Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	2043
Deposit Account	500417
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)</p>	

**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement Letter	P03022002_IDS_043888-0325.pdf	126195 6ae38509ab43e325e31fa1fb8499730135b221d	no	3

**Warnings:****Information:**

2	NPL Documents	P03022002_NPL2_043888-0325.pdf	49876 825a48f3337bcfe1dc1a7dbaafdc52eb3b27bb56	no	1
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**Warnings:****Information:**

3	NPL Documents	P03022002_NPL3_043888-0325.pdf	669065 2d62771fda50a3138df4c894cae4f51e7b786eb0	no	7
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**Warnings:****Information:**

4	NPL Documents	P03022002_NPL4_043888-0325.pdf	512353 d69f48b0d938fbb2a672e7f9a8218f3e3daa564e	no	7
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**Warnings:****Information:**

5	NPL Documents	P03022002_NPL5_043888-0325.pdf	209243 02f7b763936505a55792d44a8d49982cd1880242	no	4
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**Warnings:****Information:**

6	NPL Documents	P03022002_NPL6_043888-0325.pdf	315493 8fc2ed8b382eef09a888817fc88f270d8c68516b	no	5
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**Warnings:****Information:**

7	NPL Documents	P03022002_NPL7_043888-0325.pdf	478014 286743e4662941630d96512d53e49781950f60ce	no	7
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**Warnings:****Information:**

8	NPL Documents	P03022002_NPL8_043888-0325.pdf	521059 3f6506ef88926784cb8418b7efc16586ded335c2	no	8
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**Warnings:****Information:**

9	NPL Documents	P03022002_NPL_043888-0325.pdf	61581 c05c58755a2ff35784e13be88b71a78d6ab3db21	no	4
<b>Warnings:</b>					
<b>Information:</b>					
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<b>Warnings:</b>					
<b>Information:</b>					
Total Files Size (in bytes):			3073813		
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Docket No.: 043888-0325

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 53080
	:	
Tsutomu OHZUKU, et al.	:	Confirmation Number: 3395
	:	
Application No.: 10/506,298	:	Group Art Unit: 1795
	:	
Filed: September 01, 2004	:	Examiner: ECHELMEYER, Alix E.
	:	
For: ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF, AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY		

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

**REQUEST TO CONSIDER REFERENCES AFTER CLOSE OF PROSECUTION AND  
BEFORE PAYMENT OF ISSUE FEE**

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. Please charge the processing fee under 1.17(p) of **\$180.00** to Deposit Account 500417.

CERTIFICATION PARAGRAPH

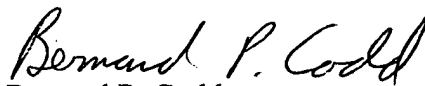
The undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement as described in 37 CFR 1.97(e)(1).

Each reference was cited in a European application search report and its relevance discussed therein. A copy of the European Search Report is attached for the Examiner's information. Please note that the references **"Solid-state redox potentials for  $\text{Li}[\text{Me}_{1/2}\text{Mn}_{3/2}]\text{O}_4$  (Me: 3d-transition metal) having spinal-framework structures: a series of 5 volt materials for advanced lithium-ion batteries"** and **"Synthesis and Electrochemistry of  $\text{LiNi}_x\text{Mn}_{2-x}\text{O}_4$ "** have been previously cited in Information Disclosure Statement filed on August 15, 2005 and September 1, 2004, respectively.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd

Registration No. 46,429

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 BPC:mjb  
Facsimile: 202.756.8087  
**Date: February 6, 2009**

**Please recognize our Customer No. 53080  
as our correspondence address.**



Applicant: <u>Tsutomu OHZUKU, et al.</u>		Docket No. <u>043888-0325</u>	Serial No. <u>10/506,298</u>
Title: <u>POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY</u>		Patent No. _____	
Date Sent: <u>7/16/2007</u>	<input checked="" type="checkbox"/> Hand Carried	<input type="checkbox"/> Fax	<input type="checkbox"/> Electronic
<input type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Cert. of Mailing	<input type="checkbox"/> 1st Class Mail	<input type="checkbox"/> Express Mail No. _____
<input type="checkbox"/> New Patent App	<input type="checkbox"/> Utility	<input type="checkbox"/> Design	<input type="checkbox"/> Cont.
<input type="checkbox"/> Other: _____	<input type="checkbox"/> CIP	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT
_____ pages of Specification	<input type="checkbox"/> RCE	<input type="checkbox"/> Prov	<input type="checkbox"/> Letter submitting _____ pages of drawings
_____ pages of Claims	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Req. for Approval of Drawing Amendments
_____ pages of Abstract	<input type="checkbox"/> RCE	<input type="checkbox"/> Prov	<input type="checkbox"/> Req. for Oral Hearing
_____ pages of Formal/Informal Drawings	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief
<input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Rule 312 Amendment/Letter
<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Req. for Acknowledgement of Cited Art
<input type="checkbox"/> Recordation of Assignment/Security Agreement	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Issue Fee
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Publication Fee
<u>8</u> Form PTO 1449	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Req. for Certificate of Correction
<u>63</u> References attached	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Maintenance Fee for _____ years after grant
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Fee Address Indication Form _____
<input type="checkbox"/> Response to Missing Parts Notice	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Resp. to Notice to Correct App. Papers	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input checked="" type="checkbox"/> Korean Office Action (1)
<input type="checkbox"/> Certified Copy of Priority Doc.	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input checked="" type="checkbox"/> Japanese Office Actions (2)
<input type="checkbox"/> Claim for Convention Priority	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input checked="" type="checkbox"/> Observation of a third party - Japanese (2)
<input type="checkbox"/> Response/Amendment to Office Action of _____	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	
<input type="checkbox"/> Request for _____ month Extension of Time	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	



Check for	\$	<input checked="" type="checkbox"/> Charge Deposit Acct. 500417	\$ 180.00	Atty Init.	BPC	Tkpr. #	5624	Secy. or PL:	LLNguyen
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CMS Descrip.: 10-\$180

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.





Docket No.: 043888-0325

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Customer Number: 53080

Tsutomu OHZUKU, et al.

Confirmation Number: 3395

Application No.: 10/506,298

Group Art Unit: 1745

Filed: September 01, 2004

Examiner: BELL, BRUCE F

For: POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF  
AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

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This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.